

### **199.500 Consent to adoption.**

- (1) An adoption shall not be granted without the voluntary and informed consent, as defined in KRS 199.011, of the living parent or parents of a child born in lawful wedlock or the mother of the child born out of wedlock, or the father of the child born out of wedlock if paternity is established in a legal action or if an affidavit is filed stating that the affiant is the father of the child, except that the consent of the living parent or parents shall not be required if:
  - (a) The parent or parents have been adjudged mentally disabled and the judgment shall have been in effect for not less than one (1) year prior to the filing of the petition for adoption;
  - (b) The parental rights of the parents have been terminated under KRS Chapter 625;
  - (c) The living parents are divorced and the parental rights of one (1) parent have been terminated under KRS Chapter 625 and consent has been given by the parent having custody and control of the child; or
  - (d) The biological parent has not established parental rights as required by KRS 625.065.
- (2) A minor parent who is a party defendant may consent to an adoption but a guardian ad litem for the parent shall be appointed.
- (3) In the case of a child twelve (12) years of age or older, the consent of the child shall be given in court. The court in its discretion may waive this requirement.
- (4) Notwithstanding the provisions of subsection (1) of this section, an adoption may be granted without the consent of the biological living parents of a child if it is pleaded and proved as a part of the adoption proceedings that any of the provisions of KRS 625.090 exist with respect to the child.
- (5) An adoption shall not be granted or a consent for adoption be held valid if the consent for adoption is given prior to seventy-two (72) hours after the birth of the child. A voluntary and informed consent may be taken at seventy-two (72) hours after the birth of the child and shall become final and irrevocable under paragraphs (a) and (b) of this subsection.
  - (a) If placement approval by the secretary is required, the voluntary and informed consent shall become final and irrevocable twenty (20) days after the later of the placement approval or the execution of the voluntary and informed consent.
  - (b) If placement approval by the secretary is not required, the voluntary and informed consent shall become final and irrevocable twenty (20) days after the execution of the voluntary and informed consent.

**Effective:** June 21, 2001

**History:** Amended 2001 Ky. Acts ch. 69, sec. 2, effective June 21, 2001. -- Amended 1998 Ky. Acts ch. 426, sec. 142, effective July 15, 1998. -- Amended 1994 Ky. Acts ch. 242, sec. 6, effective July 15, 1994. -- Amended 1986 Ky. Acts ch. 423, sec. 189, effective July 1, 1987. -- Amended 1984 Ky. Acts ch. 16, sec. 4, effective July 13, 1984. -- Amended 1982 Ky. Acts ch. 141, sec. 65, effective July 1, 1982. -- Amended 1980 Ky. Acts ch. 188, sec. 184, effective July 15, 1980; and ch. 396, sec. 20, effective July 1, 1982. -- Amended 1978 Ky. Acts ch. 137, sec. 7, effective June 17, 1978. -- Amended 1974 Ky. Acts ch. 386, sec. 37. -- Created 1950 Ky. Acts ch. 125, sec. 13.

**Note:** This section was amended by 1980 Ky. Acts ch. 280, sec. 146, which was to have become effective July 1, 1982. Thereafter, 1982 Ky. Acts ch. 284 changed the effective date of that act to July 15, 1984. Then, 1984 Ky. Acts ch. 184 repealed both 1980 Ky. Acts ch. 280, and 1982 Ky. Acts ch. 284.